IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

CRP.No. 419 of 2007()

OS.60/2002 of SUB COURT, OTTAPPALAM
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REVN. PETITIONER: DEFENDANT

KASSIM, S/O.PALLATHU MOIDEEN,
PALLATH HOUSE, THOTTAKARA P.O.,
OTTAPALAM.

BY ADV. SRI.A.B.JALEEL
SRI.K. THAVAMONY

RESPONDENTS:
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1. SAHIRA BANU, W/O.KARIM,
D/O.P.MUHAMMED RAFEEQ, PALLATHU HOUSE,
VAROD P.O., VEETTAMPARA, OTTAPALAM.

2. SAHEEM (MINOR).

3. SHAIBA (MINOR),
REPRESENTED BY GUARDIAN AND THE MOTHER
IST RESPONDENT.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 419 OF 2007

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Dated this the 28th day of May, 2007.

O R D E R

This revision is preferred against the order of the learned Subordinate Judge, Ottappalam directing to proclaim and sell the property for realisation of the decree amount due under the decree. The learned counsel for the revision petitioner submits before me that his client was away in gulf countries and he did not have the proper notice and so an exparte decree was passed. Then he moved an application for setting aside the exparte decree which was dismissed by the trial court and he had moved CMA 8/06 with a petition to condone the delay before the District Court, Palakkad and it is pending there. The learned counsel persuasively contends before me that he has got a strong case for getting the exparte decree set aside and therefore till it is done his property should not be sold in auction thereby causing irreparable hardships. Having considered the matter and in the interest of justice I am inclined to give some breathing time for the revision petitioner and therefore the revision petition is disposed of as follows:

(1) The sale which is posted for today shall stand adjourned till 2/7/07.

(2) The revision petitioner is directed to pay a sum of Rs.10,000/- to the decree holder on or before that date.

(3) The revision petitioner is permitted to move the District Court, Palakkad for an early disposal of the delay condonation application and move for interim reliefs of suspension of the decree within the time.

The C.R.P. is accordingly disposed of .

M.N. KRISHNAN, JUDGE.

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